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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.          | CONFIRMATION NO.       |
|--|-------------|----------------------|------------------------------|------------------------|
| 10/068,641   | 02/06/2002  | John Douglas Shuker  | 43191/270021                 | 8100                   |
| 23370  | 7590        | 12/23/2009           |                              |                        |
| JOHN S. PRATT, ESQ<br>KILPATRICK STOCKTON, LLP<br>1100 PEACHTREE STREET<br>SUITE 2800<br>ATLANTA, GA 30309 |             |                      | EXAMINER<br>WILLIAMS, MARK A |                        |
|  |             |                      | ART UNIT<br>3673             | PAPER NUMBER           |
|  |             |                      | MAIL DATE<br>12/23/2009      | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/068,641

**Applicant(s)**

SHUKER, JOHN DOUGLAS

**Examiner**

MARK A. WILLIAMS

**Art Unit**

3673

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6, 8-11 and 13-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 8-11, 13-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6, 8-11 and 13-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brockhaus, US Patent 4,800,623, in view of either one of Smith, US Patent 6,554,524, or Hoffman, US Patent 3,827,820, or Halsey et al., US Patent 1,984,350, or Clackson, US Patent 933,625.

Brockhaus provides a vehicle hinge assembly for hinging a vehicle door on a vehicle body, the assembly comprising a first hinge leaf 3 hingedly connected to a second hinge leaf 1 by a pivot pin 13, the pivot pin being immovably mounted in a first blind bore in one hinge leaf and being rotatably mounted in, and being axially withdrawable from, a second blind bore in the other hinge leaf, and hinge pin retention means 31 associated with said other hinge leaf for preventing axial withdrawal of the hinge pin therefrom, the hinge pin retention means having hinge pin engagement means movably mounted on said other hinge leaf for movement

between first and second positions, and in its second position being spaced from the hinge pin to permit its axial withdrawal from said other hinge leaf.

Brockhaus provides the claimed invention except the engagement means including a spherical surface of a given radius seated in an annular groove of a curved section, as claimed; such as to prevent axial movement, yet allow rotational movement of the pin, as claimed. It is known in the art of connections to use such structure to secure one element relative to another, to prevent axial movement while allow for rotational movement. Each of Smith, Hoffman, Halsey et al., and Clackson provide teaching of this generally known connecting structure, allowing for rotational movement while preventing axial withdraw of a shaft type (pin like) member. It would have been obvious to modify the device to include such generally known structure in the design of Brockhaus, for the purpose of providing alternative means of securing of the hinge pin as desired. Such structures are essentially art recognized equivalent structures and would have functioned at least equally as well.

### ***Response to Arguments***

3. Applicant's arguments with respect to the claim of record have been considered but are not persuasive.

Applicant argues that the present invention does not provide any play in the axial retention of the pin member, where as the applied art would allow for such play. However, the claimed invention does not provided any language calling for zero play in the manner described by applicant. The claims as presented are still considered obvious as outlined above.

Applicant argues that there is no reason for one skilled in the art the hinge assembly so that the pivot pin 2 is rotatably supported by hinge half 3. However, it is the position of the examiner that it would have been obvious to modify the device to include such generally known structure in the design of Brockhaus, for the purpose of providing alternative means of securing of the hinge pin as desired. Such structures are essentially art recognized equivalent structures and would have functioned at least equally as well.

Applicant argues that none of the combining references in the applied art provided the claimed structure in the particular a vehicle environment and application. However, it is the position of the examiner that the combining references of Smith, Hoffman, Halsey et al., and Clackson provide teaching of the generally known connecting structure as claimed, allowing for rotational movement while preventing axial withdraw of a shaft type (pin like) member. It

would have been obvious for one skilled in the art to utilize such structure to provide an equivalent, alternative connection, as known in the art.

### ***Conclusion***

This action is non-final.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK A. WILLIAMS whose telephone number is (571)272-7064. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark A. Williams/  
Examiner, Art Unit 3673

/Peter M. Cuomo/  
Supervisory Patent Examiner,  
Art Unit 3673